

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/743,524 <b>Examiner</b>	GIERTZ ET AL. <b>Art Unit</b>
	Alexis Wachtel	1764

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to and filed 8-31-04.
2.  The allowed claim(s) is/are 23-38.
3.  The drawings filed on 05 January 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_.
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

  
Glenn Calderola  
Supervisory Patent Examiner  
Technology Center 1700

***Detailed Action***

***Examiner's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Herbert Dubno on November 29, 2004.

The specification of the application have been amended as follows:

Replace "cheeks" with "side members" on pp.1, lines 12 and 14.

Replace "cheeks" with "side members" on pp.2, lines 5,6,7.

Replace "cheeks" with "side members" on pp.3, lines 3,10,11,12,15.

Replace "cheeks" with "side members" on pp.4, lines 4,12,17.

Replace "cheeks" with "side members" on pp.5, line 4.

Replace "cheeks" with "side members" on pp.6, line 4.

Replace "cheeks" with "side members" on pp.9, line 9.

Replace "cheeks" with "side members" on pp.10, line 20,22.

Replace "cheeks" with "side members" on pp.12, line 7.

Replace "cheeks" with "side members" on pp.13, line 19.

Replace "cheeks" with "side members" on pp.14, line 10,15.

Replace "cheeks" with "side members" on pp.15, line 13.

Replace "cheeks" with "side members" on pp.16, line 3.

The claims of the application have been amended as follows:

23. (Currently amended) A leveling bar for a coking oven, comprising:  
a pair of mutually parallel spaced apart substantially vertical cheeks side  
members extending over a length of a coke oven chamber;  
a multiplicity of coal entrainers spaced apart over the lengths of said cheeks side  
members, extending transversely between said cheeks side members, connected to  
said cheeks side members and occupying only a part of a cross sectional area of the  
leveling bar, said coal entrainers having heights of the entire spacing between said  
cheeks side members which are at most half the height of said cheeks side members;  
and

a baffle-free gas passage formed in said leveling bar between said cheeks side  
members and above said coal entrainers over substantially the length of said leveling  
bar.

24. (Currently amended) The leveling bar defined in claim 22 wherein the  
number of said coal entrainers is selected so that a sum of surfaces of said coal  
entrainers exposed between said cheeks side members is at least equal to the sum of  
the exposed surfaces of coal entrainers of conventional leveling bars without the  
passage.

28. (Currently amended) The leveling bar defined in claim 23 wherein the  
cheeks side members have wedge-shaped cross sections.

32. (Currently amended) The leveling bar defined in claim 23 wherein said cheeks side members have openings laterally bounded by ribs oriented at angles to the cheeks side members.

36. (Currently amended) A leveling bar for a coking oven, comprising:  
a pair of mutually parallel spaced apart substantially vertical cheeks side members extending over a length of a coke oven chamber;

a multiplicity of coal entrainers spaced apart over the lengths of said cheeks side members, extending transversely between said cheeks side members, connected to said cheeks side members and occupying only a part of a cross sectional area of the leveling bar, said coal entrainers having heights of the entire spacing between said cheeks side members which are at most half the height of said cheeks side members;

a baffle-free gas passage formed in said leveling bar between said cheeks side members and above said coal entrainers over substantially the length of said leveling bar; and said coal entrainers being movably fastened on said cheeks side members.

37. (Currently amended) A leveling bar for a coking oven, comprising:  
a pair of mutually parallel spaced apart substantially vertical cheeks side members extending over a length of a coke oven chamber;  
a multiplicity of coal entrainers spaced apart over the lengths of said cheeks side members, extending transversely between said cheeks side members, connected to said cheeks side members and occupying only a part of a cross sectional area of the leveling bar, said coal entrainers having heights of the entire spacing between said cheeks side members which are at most half the height of said cheeks side members;

a baffle-free gas passage formed in said leveling bar between said cheeks side members and above said coal entrainers over substantially the length of said leveling bar; and movable coal scrapers on said cheeks side members.

38. (Currently amended) A leveling bar for a coking oven, comprising:

a pair of mutually parallel spaced apart substantially vertical cheeks side members extending over a length of a coke oven chamber;

a multiplicity of coal entrainers spaced apart over the lengths of said cheeks side members, extending transversely between said cheeks side members, connected to said cheeks side members and occupying only a part of a cross sectional area of the leveling bar, said coal entrainers having heights of the entire spacing between said cheeks side members which are at most half the height of said cheeks side members;

a baffle-free gas passage formed in said leveling bar between said cheeks side members and above said coal entrainers over substantially the length of said leveling bar; and fluid conduits with nozzles arranged on said cheeks side members.

#### ***Allowable Subject Matter***

2. Claims 36-38 are allowed for the reasons set forth in the previous office action.

Claims 23-35 are allowable. The following is an examiner's statement of reasons for allowance: regarding independent claim 23, the closest pieces of prior art (US 4,181,578 to Stauffer et al; US 3,515,293 to Cain; US 1,720,805 to Van Ackeren et al) do not teach the use of coal entrainers which are at most half the height of the cheeks nor that a baffle-free (coal entrainer-free) gas passage is formed in the leveling bar between the cheeks and above said coal entrainers over substantially the length of

the leveling bar. Stauffer et al employ coal entrainers (Fig.2, item 65) that are clearly greater than half the height of the cheeks. A gas passage does not exist above the coal entrainers over substantially the length of the leveling bar nor would there be motivation to provide such a gas passage. Cain employs coal entrainers (Fig.3, item 60) that are clearly greater than half the height of the cheeks. A gas passage does not exist above the coal entrainers over substantially the length of the leveling bar nor would there be motivation to provide such a gas passage. Van Ackeren et al employ coal entrainers (Fig.3) some of which are clearly greater than half the height of the cheeks. A gas passage does not exist above the coal entrainers over substantially the length of the leveling bar nor would there be motivation to provide such a gas passage.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex Wachtel whose telephone number is 571-272-1455. The examiner can normally be reached on 10:30am to 6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Glenn Caldarola, can be reached at (571)-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

